



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2005 ASSEMBLY BILL 49**

May 3, 2005 – Offered by Representatives SHERIDAN, KREUSER, SHERMAN and RICHARDS.

1 **AN ACT** *to renumber* 104.01 (1); *to renumber and amend* 104.045, 104.08 (1),
2 104.08 (2) and 104.08 (3); *to amend* 49.141 (1) (g), 104.01 (intro.), 104.01 (5),
3 104.01 (8), 104.02, 104.03, 104.04, 104.05, 104.06, 104.07 (1), 104.07 (2), 104.10,
4 104.11, 104.12, 234.94 (5), 234.94 (8), 800.09 (1) (b), 800.095 (4) (b) 3. and
5 895.035 (2m) (c); and *to create* 104.001, 104.01 (1d), 104.01 (5g), 104.01 (5m),
6 104.01 (7m), 104.035, 104.045 (2) and (3), 104.08 (1m) (b) and 104.08 (3) (a) of
7 the statutes; **relating to:** a state minimum wage; permitting cities, villages,
8 towns, and counties to enact living wage ordinances; granting rule-making
9 authority; and providing a penalty.

Analysis by the Legislative Reference Bureau

Currently, the state minimum wage law requires that employers pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has provided, by rule, minimum wages for various types of employees, including employees, generally; opportunity employees, which are defined as employees under 20 years of age in their first 90 days of employment with a

particular employer; tipped employees; agricultural employees; camp counselors; golf caddies; students employed at independent colleges and universities for less than 20 hours per week; student learners employed in bona fide school training programs; and individuals who are unable to earn the standard minimum wage because of a disability. DWD has exempted, by rule, from the minimum wage law employees who perform less than 15 hours per week of casual employment, such as baby-sitting or lawn mowing, in and around an employer's home; employees who provide companionship services to elderly or infirm individuals; and elementary and secondary school students performing work-like activities in their schools. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals or lodging for their employees.

Under this substitute amendment, DWD will continue to provide the exemptions listed above and separate minimum wages for students employed at independent colleges and universities for less than 20 hours per week, student learners employed in bona fide school training programs, and individuals who are unable to earn the standard minimum wages because of a disability. For other employees, however, the substitute amendment sets the minimum wages as follows:

Employees generally

Current minimum wage	\$5.15 per hour
Minimum wage on enactment	\$5.70 per hour
Minimum wage on October 1, 2005	\$6.50 per hour

Minor employees

Current minimum wage	\$5.15 per hour
Minimum wage on enactment	\$5.30 per hour
Minimum wage on October 1, 2005	\$5.90 per hour

Opportunity employees

Current minimum wage	\$4.25 per hour
Minimum wage on enactment	\$5.30 per hour
Minimum wage on October 1, 2005	\$5.90 per hour

Tipped employees

Current minimum wage	\$2.33 per hour for nonopportunity employees \$2.13 per hour for opportunity employees
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Minimum wage on enactment	No change
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Agricultural employees

Current minimum wage	\$4.05 per hour for adults \$3.70 per hour for minors
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Minimum wage on enactment	\$5.15 per hour for adults \$4.25 per hour for minors
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Adult camp counselors

Current minimum wage	\$140 per week if meals and lodging not furnished \$110 per week if meals, but not lodging, furnished \$91 per week if meals and lodging furnished
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Minimum wage on enactment	\$215 per week if meals and lodging not furnished \$164 per week if meals, but not lodging, furnished \$129 per week if meals and lodging furnished
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Minimum wage on October 1, 2005	\$270 per week if meals and lodging not furnished \$217 per week if meals, but not lodging, furnished \$171 per week if meals and lodging furnished
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Minimum wage on October 1, 2006	\$315 per week if meals and lodging not furnished
	\$240 per week if meals, but not lodging, furnished
	\$189 per week if meals and lodging furnished

Minor camp counselors

Current minimum wage	\$123 per week if meals and lodging not furnished
	\$92 per week if meals, but not lodging, furnished
	\$74 per week if meals and lodging furnished

Minimum wage on enactment	\$175 per week if meals and lodging not furnished
	\$133 per week if meals, but not lodging, furnished
	\$105 per week if meals and lodging furnished

Minimum wage on October 1, 2005	\$225 per week if meals and lodging not furnished
	\$171 per week if meals, but not lodging, furnished
	\$135 per week if meals and lodging furnished

Minimum wage on October 1, 2006	\$275 per week if meals and lodging not furnished
	\$209 per week if meals, but not lodging, furnished
	\$165 per week if meals and lodging furnished

Golf caddies

Current minimum wage	\$5.95 for 18 holes \$3.35 for nine holes
Minimum wage on enactment	\$10.50 for 18 holes \$5.90 for nine holes

The substitute amendment also increases the allowance against the minimum wage that an employer who provides room and board for an employee may take, as follows:

Employees generally

Lodging

Current allowance	\$41.20 per week or \$5.90 per day
Allowance on enactment	\$45.60 per week or \$6.50 per day
Allowance on October 1, 2005	\$52 per week or \$7.40 per day

Meals

Current allowance	\$61.80 per week or \$2.95 per meal
Allowance on enactment	\$68.40 per week or \$3.25 per meal
Allowance on October 1, 2005	\$78 per week or \$3.70 per meal

Minor employees

Lodging

Current allowance	\$41.20 per week or \$5.90 per day
Allowance on enactment	\$42.40 per week or \$6.05 per day

Allowance on October 1, 2005	\$47.20 per week or \$6.75 per day
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Meals

Current allowance	\$61.80 per week or \$2.95 per meal
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Allowance on enactment	\$63.60 per week or \$3 per meal
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Allowance on October 1, 2005	\$70.80 per week or \$3.35 per meal
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Opportunity employees

Lodging

Current allowance	\$34 per week or \$4.85 per day
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Allowance on enactment	\$42.40 per week or \$6.05 per day
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Allowance on October 1, 2005	\$47.20 per week or \$6.75 per day
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Meals

Current allowance	\$51 per week or \$2.45 per meal
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Allowance on enactment	\$63.60 per week or \$3 per meal
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Allowance on October 1, 2005	\$70.80 per week or \$3.35 per meal
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Adult agricultural employees

Lodging

Current allowance	\$32.40 per week or \$4.65 per day
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Allowance on enactment	\$41.20 per week or \$5.90 per day
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Meals

Current allowance	\$48.60 per week or \$2.30 per meal
Allowance on enactment	\$61.80 per week or \$2.95 per meal

Minor agricultural employees

Lodging

Current allowance	\$29.60 per week or \$4.25 per day
Allowance on enactment	\$34 per week or \$4.85 per day

Meals

Current allowance	\$44.40 per week or \$2.10 per meal
Allowance on enactment	\$51 per week or \$2.40 per meal

Under current constitutional and statutory home rule provisions, a city or village may determine its own local affairs subject only to the Wisconsin Constitution and to any enactment of the legislature that is of statewide concern and that affects every city or village with uniformity.

This substitute amendment permits a city, village, town, or county to enact an ordinance providing for a living wage within its boundaries (local living wage ordinance). A local living wage ordinance may strictly conform to the state minimum wage law or may provide for a living wage that is higher than the living wage established under the state minimum wage law. A local living wage ordinance may also be more inclusive than the state minimum wage law with respect to the different types of employees covered under the ordinance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 49.141 (1) (g) “Minimum wage” means the state minimum hourly wage under
2 ~~ch. 104 s. 104.035 (1)~~ or the federal minimum hourly wage under 29 USC 206 (a) (1),
3 whichever is applicable.

4 **SECTION 2.** 104.001 of the statutes is created to read:

5 **104.001 Local living wage ordinances.** (1) DECLARATION OF POLICY. The
6 right of all persons to earn compensation for their labor, whether by time, piecework,
7 or otherwise, that is sufficient to enable them to maintain themselves under
8 conditions that are consistent with their welfare is a matter both of statewide
9 concern and of local interest. The enactment of this chapter by the legislature does
10 not preempt a city, village, town, or county from considering the subject matter of a
11 living wage and does not exempt cities, villages, towns, or counties from their duty,
12 or deprive them of their right, to enact ordinances providing for a living wage.

13 (2) LOCAL LIVING WAGE ORDINANCES PERMITTED. A city, village, town, or county
14 may enact an ordinance providing for a living wage within its boundaries, except that
15 a county ordinance enacted under this subsection does not apply within a city,
16 village, or town that has enacted or enacts an ordinance under this subsection. An
17 ordinance enacted under this subsection may strictly conform to this chapter and any
18 rules promulgated under this chapter or may provide for a living wage that is higher
19 than the living wage established under this chapter or under any rules promulgated
20 under this chapter. An ordinance enacted under this subsection may also be more
21 inclusive than this chapter or any rules promulgated under this chapter with respect
22 to the different types of employees covered under the ordinance.

23 **SECTION 3.** 104.01 (intro.) of the statutes is amended to read:

24 **104.01 Definitions.** (intro.) ~~The following terms as used in ss. 104.01 to~~
25 ~~104.12 shall be construed as follows~~ In this chapter:

1 **SECTION 4.** 104.01 (1) of the statutes is renumbered 104.01 (1m).

2 **SECTION 5.** 104.01 (1d) of the statutes is created to read:

3 104.01 **(1d)** “Agricultural employee” means an employee who is employed in
4 farming, as defined in s. 102.04 (3).

5 **SECTION 6.** 104.01 (5) of the statutes is amended to read:

6 104.01 **(5)** ~~The term “living wage” shall mean~~ “Living wage” means
7 compensation for labor paid, whether by time, piecework, or otherwise, sufficient to
8 enable the employee receiving it to maintain himself or herself under conditions
9 consistent with his or her welfare.

10 **SECTION 7.** 104.01 (5g) of the statutes is created to read:

11 104.01 **(5g)** “Minor employee” means a minor who is paid at the applicable
12 minimum wage rate for minors.

13 **SECTION 8.** 104.01 (5m) of the statutes is created to read:

14 104.01 **(5m)** “Opportunity employee” means a person under 20 years of age who
15 is in the first 90 consecutive days of employment with his or her employer.

16 **SECTION 9.** 104.01 (7m) of the statutes is created to read:

17 104.01 **(7m)** “Tipped employee” means an employee who in the course of
18 employment customarily and regularly receives money or other gratuities from
19 persons other than the employee’s employer.

20 **SECTION 10.** 104.01 (8) of the statutes is amended to read:

21 104.01 **(8)** ~~The term “wage” and the term “wages” shall each mean~~ “Wage”
22 means any compensation for labor measured by time, piece, or otherwise.

23 **SECTION 11.** 104.02 of the statutes is amended to read:

1 **104.02 ~~Living-wage prescribed~~ Living wage required.** Every wage paid
2 or agreed to be paid by any employer to any employee, except as otherwise provided
3 in s. 104.07, shall be not less than a ~~living-wage~~ living wage.

4 **SECTION 12.** 104.03 of the statutes is amended to read:

5 **104.03 Unlawful wages.** Any employer paying, offering to pay, or agreeing
6 to pay any employee a wage lower or less in value than a ~~living-wage~~ living wage is
7 guilty of a violation of ~~ss. 104.01 to 104.12~~ this chapter.

8 **SECTION 13.** 104.035 of the statutes is created to read:

9 **104.035 Minimum wage. (1) EMPLOYEES GENERALLY.** (a) *Minimum rates.*
10 Except as provided in subs. (2) to (8), the minimum wage is as follows:

- 11 1. For wages earned before October 1, 2005, \$5.70 per hour.
- 12 2. For wages earned beginning on October 1, 2005, \$6.50 per hour.

13 (b) *Allowances for meals and lodging.* Except as provided in subs. (2) (b) and
14 (4) (b), if an employer furnishes an employee with meals or lodging in accordance
15 with rules promulgated by the department under s. 104.045 (2), the employer may
16 deduct the following amounts from the wages of the employee:

- 17 1. For lodging furnished before October 1, 2005, \$45.60 per week or \$6.50 per
18 day and for meals furnished before October 1, 2005, \$68.40 per week or \$3.25 per
19 meal.

- 20 2. For lodging furnished beginning on October 1, 2005, \$52 per week or \$7.40
21 per day and for meals furnished beginning on October 1, 2005, \$78 per week or \$3.70
22 per meal.

23 **(2) MINOR AND OPPORTUNITY EMPLOYEES.** (a) *Minimum rates.* Except as provided
24 in subs. (3) to (8), the minimum wage for a minor employee or an opportunity
25 employee is as follows:

1 1. For wages earned before October 1, 2005, \$5.30 per hour.

2 2. For wages earned beginning on October 1, 2005, \$5.90 per hour.

3 (b) *Allowances for meals and lodging.* Except as provided in sub. (4) (b), if an
4 employer furnishes a minor employee or an opportunity employee with meals or
5 lodging in accordance with rules promulgated by the department under s. 104.045
6 (2), the employer may deduct the following amounts from the wages of the employee:

7 1. For lodging furnished before October 1, 2005, \$42.40 per week or \$6.05 per
8 day and for meals furnished before October 1, 2005, \$63.60 per week or \$3 per meal.

9 2. For lodging furnished beginning on October 1, 2005, \$47.20 per week or \$6.75
10 per day and for meals furnished beginning on October 1, 2005, \$70.80 per week or
11 \$3.35 per meal.

12 **(3) TIPPED EMPLOYEES.** (a) *Minimum rates.* Except as provided in subs. (4) to
13 (8), if an employer of a tipped employee establishes by the employer's payroll records
14 that, when adding the tips received by the tipped employee in a week to the wages
15 paid to the tipped employee in that week, the tipped employee receives not less than
16 the applicable minimum wage specified in sub. (1) or (2), the minimum wage for the
17 tipped employee is as follows:

18 1. For wages earned by a tipped employee who is not an opportunity employee,
19 \$2.33 per hour.

20 2. For wages earned by a tipped employee who is an opportunity employee,
21 \$2.13 per hour.

22 (b) *Allowances for meals and lodging.* If an employer furnishes a tipped
23 employee with meals or lodging in accordance with rules promulgated by the
24 department under s. 104.045 (2), the employer may deduct the applicable amounts
25 specified in subs. (1) (b) or (2) (b) from the wages of the tipped employee.

1 **(4) AGRICULTURAL EMPLOYEES.** (a) *Minimum rates.* Except as provided in subs.
2 (7) and (8), the minimum wage for an agricultural employee is as follows:

3 1. For wages earned by an adult agricultural employee, \$5.15 per hour.

4 2. For wages earned by a minor agricultural employee, \$4.25 per hour.

5 (b) *Allowances for meals and lodging.* If an employer furnishes an agricultural
6 employee with meals or lodging in accordance with rules promulgated by the
7 department under s. 104.045 (2), the employer may deduct the following amounts
8 from the wages of the employee:

9 1. For lodging furnished to an adult agricultural employee, \$41.20 per week or
10 \$5.90 per day and for meals furnished to an adult agricultural employee, \$61.80 per
11 week or \$2.95 per meal.

12 2. For lodging furnished to a minor agricultural employee, \$34 per week or
13 \$4.85 per day and for meals furnished to a minor agricultural employee, \$51 per week
14 or \$2.40 per meal.

15 **(5) CAMP COUNSELORS.** (a) *Minimum rates for adult counselors.* The minimum
16 wage for a counselor at a seasonal recreational or educational camp, including a day
17 camp, who is an adult is as follows:

18 1. For wages earned before October 1, 2005, \$215 per week if meals and lodging
19 are not furnished, \$164 per week if only meals are furnished, and \$129 per week if
20 both meals and lodging are furnished.

21 2. For wages earned beginning on October 1, 2005, \$270 per week if meals and
22 lodging are not furnished, \$217 per week if only meals are furnished, and \$171 per
23 week if both meals and lodging are furnished.

1 3. For wages earned beginning on October 1, 2006, \$315 per week if meals and
2 lodging are not furnished, \$240 per week if only meals are furnished, and \$189 per
3 week if both meals and lodging are furnished.

4 (b) *Minimum rates for minor counselors.* The minimum wage for a counselor
5 at a seasonal recreational or educational camp, including a day camp, who is a minor
6 is as follows:

7 1. For wages earned before October 1, 2005, \$175 per week if meals and lodging
8 are not furnished, \$133 per week if only meals are furnished, and \$105 per week if
9 both meals and lodging are furnished.

10 2. For wages earned beginning on October 1, 2005, \$225 per week if meals and
11 lodging are not furnished, \$171 per week if only meals are furnished, and \$135 per
12 week if both meals and lodging are furnished.

13 3. For wages earned beginning on October 1, 2006, \$275 per week if meals and
14 lodging are not furnished, \$209 per week if only meals are furnished, and \$165 per
15 week if both meals and lodging are furnished.

16 **(6) GOLF CADDIES.** The minimum wage for a golf caddy is as follows:

17 (a) For 18 holes, \$10.50.

18 (b) For 9 holes, \$5.90.

19 **(7) MINIMUM WAGE ESTABLISHED BY DEPARTMENT.** The department shall
20 promulgate rules providing the minimum wage for all of the following:

21 (a) An employee or worker with a disability covered under a license under s.
22 104.07.

23 (b) A student learner.

24 (c) A student employed by an independent college or university for less than
25 20 hours per week.

1 **(8) EMPLOYMENT EXEMPTED BY DEPARTMENT.** The department shall promulgate
2 rules exempting from the minimum wage requirements under subs. (1) to (7) all of
3 the following:

4 (a) A person engaged in casual employment in and around an employer's home
5 on an irregular or intermittent basis for not more than 15 hours per week.

6 (b) A person who resides with and who provides companionship and care, not
7 including practical or professional nursing, as defined in s. 441.001 (3) and (4), and
8 not more than 15 hours per week of general household work for an employer who, due
9 to advanced age or physical or mental disability, cannot care for his or her own needs.

10 (c) An elementary or secondary school student performing student work-like
11 activities in the student's school.

12 **(9) DEPARTMENT MAY REVISE.** The department may promulgate rules to increase
13 a minimum wage or an allowance for meals and lodging provided under subs. (1) to
14 (7).

15 **SECTION 14.** 104.04 of the statutes is amended to read:

16 **104.04 Classifications; department's authority.** The department shall
17 investigate, ascertain, determine, and fix such reasonable classifications, and shall
18 impose general or special orders, determining the ~~living-wage~~ living wage, and shall
19 carry out the purposes of ~~ss. 104.01 to 104.12.~~ Such this chapter. ~~Those~~
20 investigations, classifications, and orders shall be made as provided under s.
21 103.005, and the penalties specified in s. 103.005 (12) shall apply to and be imposed
22 for any violation of ~~ss. 104.01 to 104.12~~ this chapter. In determining the ~~living-wage~~
23 living wage, the department may consider the effect that an increase in the
24 ~~living-wage~~ living wage might have on the economy of the state, including the effect
25 of a ~~living-wage~~ living wage increase on job creation, retention, and expansion, on

1 the availability of entry-level jobs, and on regional economic conditions within the
2 state. The department may not establish a different minimum wage for men and
3 women. Said Those orders shall be subject to review in the manner provided in ch.
4 227.

5 **SECTION 15.** 104.045 of the statutes is renumbered 104.045 (intro.) and
6 amended to read:

7 **104.045 Tipped employees Tips, meals, lodging, and hours worked.**
8 (intro.) The department shall ~~by rule determine what amount of~~ promulgate rules
9 governing all of the following:

10 **(1) The counting of tips** or similar gratuities ~~may be counted~~ toward fulfillment
11 of the employer's obligation under this chapter.

12 **SECTION 16.** 104.045 (2) and (3) of the statutes are created to read:

13 104.045 (2) The deduction of meals or lodging provided by an employer to an
14 employee from the employer's obligation under this chapter.

15 **(3)** The determination of hours worked by an employee during which the
16 employee is entitled to a living wage under this chapter.

17 **SECTION 17.** 104.05 of the statutes is amended to read:

18 **104.05 Complaints; investigation.** The department shall, within 20 days
19 after the filing of a verified complaint of any person ~~setting forth~~ alleging that the
20 wages paid to any employee ~~in any occupation~~ are not sufficient to enable the
21 employee to maintain himself or herself under conditions consistent with his or her
22 welfare, investigate and determine whether there is reasonable cause to believe that
23 the wage paid to ~~any~~ the employee is not a ~~living wage~~ living wage.

24 **SECTION 18.** 104.06 of the statutes is amended to read:

1 **104.06 Wage council; determination.** If, upon investigation, the
2 department finds that there is reasonable cause to believe that the wages paid to any
3 employee are not a ~~living wage~~, it living wage, the department shall appoint a wage
4 council, selected so as fairly to represent employers, employees, and the public, to
5 assist in its investigations and determinations. The ~~living wage~~ department may
6 use the results of an investigation under this section to establish a living wage. A
7 living wage so determined ~~upon~~ shall be the ~~living wage~~ living wage for all
8 employees within the same class as established by the ~~classification of the~~
9 department under s. 104.04.

10 **SECTION 19.** 104.07 (1) of the statutes is amended to read:

11 104.07 (1) The department shall ~~make~~ promulgate rules and, except as
12 provided under subs. (5) and (6), grant licenses, to any employer who employs any
13 employee who is unable to earn ~~the living wage theretofore determined upon,~~
14 ~~permitting such person to~~ a living wage so that the employee may work for a wage
15 ~~which shall be~~ that is commensurate with the employee's ability and each. Each
16 license so granted shall establish a wage for the licensee employees of the licensee
17 who are unable to earn a living wage.

18 **SECTION 20.** 104.07 (2) of the statutes is amended to read:

19 104.07 (2) The department shall ~~make~~ promulgate rules and, except as
20 provided under subs. (5) and (6), grant licenses to sheltered workshops to permit the
21 employment of workers with disabilities who are unable to earn ~~the living wage at~~
22 a living wage so that those workers may work for a wage that is commensurate with
23 their ~~ability~~ abilities and productivity. A license granted to a sheltered workshop
24 under this section may be issued for the entire workshop or a department of the
25 workshop.

1 **SECTION 21.** 104.08 (1) of the statutes is renumbered 104.08 (2m) and amended
2 to read:

3 104.08 **(2m)** ~~All persons~~ Any person working in an ~~occupation~~ a trade industry
4 for which a ~~living-wage~~ living wage has been established for minors, and who ~~shall~~
5 ~~have~~ has no trade, ~~shall, if employed in an occupation which is a trade industry,~~ be
6 indentured under ~~the provisions of s. 106.01.~~

7 **SECTION 22.** 104.08 (1m) (b) of the statutes is created to read:

8 104.08 **(1m)** (b) “Trade industry” means an industry involving physical labor
9 and characterized by mechanical skill and training such as render a period of
10 instruction reasonably necessary.

11 **SECTION 23.** 104.08 (2) of the statutes is renumbered 104.08 (1m) (intro.) and
12 amended to read:

13 104.08 **(1m)** (intro.) ~~A “trade” or a “trade industry” within the meaning of ss.~~
14 ~~104.01 to 104.12 shall be a trade or~~ In this section:

15 (a) “Trade” means an industry occupation involving physical labor and
16 characterized by mechanical skill and training such as render a period of instruction
17 reasonably necessary. ~~The department shall investigate, determine and declare~~
18 ~~what occupations and industries are included within the phrase a “trade” or a “trade~~
19 ~~industry”.~~

20 **SECTION 24.** 104.08 (3) of the statutes is renumbered 104.08 (3) (b) and
21 amended to read:

22 104.08 **(3)** (b) The department may make exceptions to the operation of subs.
23 ~~(1) and (2)~~ (1m) and (2m) where conditions make their application unreasonable.

24 **SECTION 25.** 104.08 (3) (a) of the statutes is created to read:

1 104.08 (3) (a) The department shall investigate, determine, and declare what
2 occupations and industries are included within a trade or a trade industry.

3 **SECTION 26.** 104.10 of the statutes is amended to read:

4 **104.10 Penalty for intimidating witness.** Any employer who discharges or
5 threatens to discharge, or who in any way discriminates, or threatens to
6 discriminate, against any employee because the employee has testified or is about
7 to testify, or because the employer believes that the employee may testify, in any
8 investigation or proceeding relative to the enforcement of ~~ss. 104.01 to 104.12~~, is
9 ~~guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of~~
10 ~~\$25~~ this chapter may be fined \$500 for each offense.

11 **SECTION 27.** 104.11 of the statutes is amended to read:

12 **104.11 Definition of violation.** Each day during which ~~any~~ an employer
13 ~~shall employ~~ employs a person for whom a ~~living-wage~~ living wage has been fixed
14 established at a wage less than the ~~living-wage fixed~~ established living wage shall
15 constitute a separate and distinct violation of ~~ss. 104.01 to 104.12~~ this chapter.

16 **SECTION 28.** 104.12 of the statutes is amended to read:

17 **104.12 Complaints.** Any person may register with the department a
18 complaint that the wages paid to employees for whom a ~~living-wage~~ living wage has
19 been established are less than that rate, and the department shall investigate the
20 matter and take all proceedings necessary to enforce the payment of a wage not less
21 than ~~the living-wage~~ a living wage. Section 111.322 (2m) applies to discharge and
22 other discriminatory acts arising in connection with any proceeding under this
23 section.

24 **SECTION 29.** 234.94 (5) of the statutes is amended to read:

1 234.94 (5) “Primary employment” means work ~~which~~ that pays at least the
2 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ or under federal law,
3 whichever is greater, offers adequate fringe benefits, including health insurance,
4 and is not seasonal or part time.

5 **SECTION 30.** 234.94 (8) of the statutes is amended to read:

6 234.94 (8) “Target group” means a population group for which the
7 unemployment level is at least 25% higher than the statewide unemployment level,
8 or a population group for which the average wage received is less than 1.2 times the
9 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ or under federal law,
10 whichever is greater. No population group is required to be located within a
11 contiguous geographic area to be considered a target group.

12 **SECTION 31.** 800.09 (1) (b) of the statutes is amended to read:

13 800.09 (1) (b) If the defendant agrees to perform community service work in
14 lieu of making restitution or paying the forfeiture, assessments, and costs, or both,
15 the court may order that the defendant perform community service work for a public
16 agency or a nonprofit charitable organization that is designated by the court.
17 Community service work may be in lieu of restitution only if also agreed to by the
18 public agency or nonprofit charitable organization and by the person to whom
19 restitution is owed. The court may utilize any available resources, including any
20 community service work program, in ordering the defendant to perform community
21 service work. The number of hours of community service work required may not
22 exceed the number determined by dividing the amount owed on the forfeiture by the
23 minimum wage established under ~~ch. 104 for adults in nonagriculture, nontipped~~
24 ~~employment~~ s. 104.035 (1). The court shall ensure that the defendant is provided a

1 written statement of the terms of the community service order and that the
2 community service order is monitored.

3 **SECTION 32.** 800.095 (4) (b) 3. of the statutes is amended to read:

4 800.095 (4) (b) 3. That the defendant perform community service work for a
5 public agency or a nonprofit charitable organization designated by the court, except
6 that the court may not order the defendant to perform community service work
7 unless the defendant agrees to perform community service work and, if the
8 community service work is in lieu of restitution, unless the person to whom the
9 restitution is owed agrees. The court may utilize any available resources, including
10 any community service work program, in ordering the defendant to perform
11 community service work. The number of hours of community service work required
12 may not exceed the number determined by dividing the amount owed on the
13 forfeiture, or restitution, or both, by the minimum wage established under ~~ch. 104~~
14 ~~for adults in nonagriculture, nontipped employment s. 104.035 (1).~~ The court shall
15 ensure that the defendant is provided a written statement of the terms of the
16 community service order and that the community service order is monitored.

17 **SECTION 33.** 895.035 (2m) (c) of the statutes is amended to read:

18 895.035 (2m) (c) The court assigned to exercise jurisdiction under chs. 48 and
19 938 may order that the juvenile perform community service work for a public agency
20 or nonprofit charitable organization that is designated by the court in lieu of making
21 restitution or paying the forfeiture or surcharge. If the parent agrees to perform
22 community service work in lieu of making restitution or paying the forfeiture or
23 surcharge, the court may order that the parent perform community service work for
24 a public agency or a nonprofit charitable organization that is designated by the court.
25 Community service work may be in lieu of restitution only if also agreed to by the

1 public agency or nonprofit charitable organization and by the person to whom
2 restitution is owed. The court may utilize any available resources, including any
3 community service work program, in ordering the juvenile or parent to perform
4 community service work. The number of hours of community service work required
5 may not exceed the number determined by dividing the amount owed on the
6 restitution, forfeiture, or surcharge by the minimum wage established under ~~ch. 104~~
7 ~~for adults in nonagriculture, nontipped employment s. 104.035 (1)~~. The court shall
8 ensure that the juvenile or parent is provided with a written statement of the terms
9 of the community service order and that the community service order is monitored.

10 **SECTION 34. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) **MINIMUM WAGE.** The treatment of sections 49.141 (1) (g), 104.01 (intro.), (1),
13 (1d), (5), (5g), (5m), (7m), and (8), 104.02, 104.03, 104.035, 104.04, 104.05, 104.06,
14 104.07 (1) and (2), 104.08 (1), (1m) (b), and (2), 104.10, 104.11, 104.12, 234.94 (5) and
15 (8), 800.09 (1) (b), 800.095 (4) (b) 3., and 895.035 (2m) (c) of the statutes, the
16 renumbering and amendment of sections 104.045 and 104.08 (3) of the statutes, and
17 the creation of sections 104.045 (2) and (3) and 104.08 (3) (a) of the statutes take effect
18 on the first day of the 3rd month beginning after publication.

19 (END)